

SW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,471	12/26/2000	Minoru Fukuda	201273US2	1853

22850 7590 01/13/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

FOX, CHARLES A

ART UNIT PAPER NUMBER

3652

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,471

Applicant(s)

FUKUDA, MINORU

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-134 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 34, 62, 101 and 129 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims withdrawn from consideration are 4-11, 18, 20, 23, 24, 26, 28, 30-32, 35-38, 40, 44-50, 53, 56, 57, 61, 63, 65, 71-78, 85, 87, 90, 91, 93, 95, 97, 98, 102-105, 107, 111-117, 120, 121, 123, 124, 130 and 132.

Continuation of Disposition of Claims: Claims allowed are 1-3, 12-17, 19, 21, 22, 25, 27, 29, 33, 39, 41-43, 51, 52, 54, 55, 58-60, 62, 64, 66-70, 79-84, 86, 88, 89, 92, 94, 96, 99, 100, 106, 108-110, 118, 119, 122, 125-128, 131, 133 and 134.

***Election/Restrictions***

Claims 4-11,18,20,23,24,26,28,30-32,35,37,38,40,44-50,53,56,57,61,63,65,71-78,85,87,90,91,93,95,97,98,102,104,105,107,111-117,120,121,123,124,130 and 132 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species.

This application contains claims 4-11,18,20,23,24,26,28,30-32,35,37,38,40,44-50,53,56,57,61,63,65,71-78,85,87,90,91,93,95,97,98,102,104,105,107,111-117,120,121,123,124,130 and 132 drawn to an invention nonelected with traverse in Paper No. 11. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 112 First Paragraph***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 34,62,101 and 129 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The intersection restricting means (25) set forth in claims 34,62,101,129 does not form a roll up space for the discharged sheet, but rather is used as a stop for the actual roll up device. See the specification page 12 lines 5-12. Since this limitation is all that sets the group of claims apart from other

Art Unit: 3652

claims they have not been treated on the merits. Claims 36 and 103 which depend from claims 34 and 101 are withdrawn from consideration at this time as the scope of the claims is indeterminate at this time.

### ***Response to Amendment***

The amendments to the claims filed on November 13, 2003 have been entered into the record.

### ***Allowable Subject Matter***

Claims 1-3,12-17,19,21,22,25,27,29,33,39,41-43,51,52,54,55,58-60,62,64,66-70,79-84,86,88,89,92,94,96,99,100,106,108-110,118,119,122,125-127,128,131,133,134 are allowed. The limitation of the rolling up means cooperating with the straight storage means is not taught or suggested in any of the cited prior art.

### ***Response to Arguments***

Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive. In regards to the 35 U.S.C. §112 rejections of claims 34,62,101 and 129, the claim clearly states that the intersection restricting means (25) forms a roll up space for the sheet. The intersection restricting mean forms a stop to properly position the roll up storage means to receive a sheet of paper. Figure 2 shows the stops (25) that are on the outside of the roll up storage space. To form a part of the roll up storage space as claimed the stops would need to be within the roll up frame (27) which they are not. Contrary to applicants assertions the stops (25) are not disclosed as forming part of the roll up space. The passage in the specification cited by the applicant does

Art Unit: 3652

not even mention the stops but rather the flat wire tray and the roll up storage frame intersecting each other. Therefore the rejection is valid and will not be withdrawn.

***Conclusion***

Claims 1-3,12-17,19,21,22,25,27,29,33,39,41-43,51,52,54,55,58-60,62,64,66-70,79-84,86,88,89,92,94,96,99,100,106,108-110,118,119,122,125-128,131,133,134 are in condition for allowance.

Claims 34,62,101 and 129 are rejected

Claims 4-11,18,20,23,24,26,28,30-32,35-38,40,44-50,53,56,57,61,63,65,71-78,85,87,90,91,93,95,97,98,102-105,107,111-117,120,121,123,124,130 and 132 are withdrawn from consideration.

This is a continued examination of Application No. 09/745,471. All rejected claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds of record in the next Office action as they had been in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3652

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

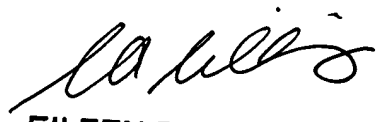
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CAF

CAF

1-10-04

  
**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600